



General Assembly

February Session, 2010

Raised Bill No. 5408

LCO No. 1738

01738_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PROBATE COURT OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 45a-8a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *January 5, 2011*):

4 (g) (1) The Probate Court Administrator, with the advice of the
5 participating probate judges of the districts located in the designated
6 region, shall appoint an administrative judge for each regional
7 children's probate court. The administrative judge shall be a probate
8 judge at the time of such appointment. If the administrative judge
9 ceases to serve as a probate judge after such appointment, the
10 administrative judge may continue to serve as administrative judge at
11 the pleasure of the Probate Court Administrator, but shall not have the
12 powers granted to an elected probate judge and shall not hear and
13 determine children's matters before such regional children's probate
14 court. Subject to the approval of the Chief Court Administrator, the
15 Probate Court Administrator shall fix the compensation of the
16 administrative judge and such compensation shall be paid from the

17 Probate Court Administration Fund. Such compensation, together with
18 the administrative judge's compensation as a probate judge of the
19 district to which he or she was elected, shall not exceed the
20 compensation provided for a judge of probate under [subsection (k) of
21 section 45a-92] subdivision (4) of subsection (a) of section 45a-95a. The
22 administrative judge shall have such benefits as may inure to him or
23 her as a probate judge and shall receive no additional benefits, except
24 for compensation provided under this section.

25 (2) Each administrative judge shall be responsible for the
26 management of cases, coordination of social services, staff, financial
27 management and record keeping for the regional children's probate
28 court for which the administrative judge is appointed. The
29 administrative judge may, with the approval of the Probate Court
30 Administrator, purchase furniture, office supplies, computers and
31 other equipment and contract for services that the administrative judge
32 may deem necessary or advisable for the expeditious conduct of the
33 business of the regional children's probate court. Such expenses shall
34 be paid for pursuant to section 45a-8. If a separate facility for a regional
35 children's probate court is established pursuant to subdivision (2) of
36 subsection (d) of this section, the participating town or city shall be
37 reimbursed for such expenses from the Probate Court Administration
38 Fund upon presentation of vouchers to the Probate Court
39 Administrator.

40 Sec. 2. Section 45a-20 of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective January 5, 2011*):

42 When a three-judge court is appointed by the Probate Court
43 Administrator, [said] the administrator may pay from the fund
44 authorized under section 45a-82 a per diem rate not to exceed two
45 hundred fifty dollars for each judge that has been cited in, other than
46 the judge in whose district the matter is being heard, provided such
47 payment under this section, when combined with the compensation
48 that the judge receives as a judge of probate of the district to which the

49 judge was elected, does not exceed the compensation provided for a
50 judge of probate under subdivision (4) of subsection (a) of section 45a-
51 95a. Such payment shall be made in accordance with regulations
52 promulgated by the Probate Court Administrator and shall be
53 included as income to the receiving judge under section 45a-92, as
54 amended by this act.

55 Sec. 3. Section 45a-79b of the general statutes is repealed and the
56 following is substituted in lieu thereof (*Effective January 5, 2011*):

57 (a) There shall be special assignment probate judges appointed by
58 the Chief Justice of the Supreme Court, on nomination by the Probate
59 Court Administrator, from among the judges of probate elected as
60 provided in section 45a-18. A nominee of the Probate Court
61 Administrator shall have demonstrated the special skill, experience or
62 expertise necessary to serve as a special assignment probate judge. The
63 Probate Court Administrator shall issue regulations pursuant to
64 subdivision (1) of subsection (b) of section 45a-77 to establish
65 requirements concerning the responsibilities of special assignment
66 probate judges and the number, geographic distribution and expertise
67 of such judges. A special assignment probate judge shall serve at the
68 pleasure of the Chief Justice.

69 (b) Subject to the approval of the Chief Court Administrator, the
70 Probate Court Administrator shall fix the compensation of special
71 assignment probate judges appointed pursuant to this section. Such
72 compensation shall, on the order of the Probate Court Administrator,
73 be paid from the Probate Court Administration Fund established
74 under section 45a-82. Such compensation, including compensation that
75 a special assignment probate judge receives as a judge of probate of the
76 district to which [he or she] the judge was elected, shall not exceed the
77 compensation provided for a judge of probate under [subsection (k) of
78 section 45a-92] subdivision (4) of subsection (a) of section 45a-95a. A
79 special assignment probate judge shall have such benefits as may inure
80 to him or her as a judge of probate and shall receive no additional

81 benefits, except compensation provided under this subsection.

82 Sec. 4. Section 45a-44 of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective January 1, 2011*):

84 (a) Each employee shall contribute to the fund three and three-
85 quarters per cent of that portion of [such] the employee's pay from
86 which contributions are not to be deducted under the Federal Old Age
87 and Survivors Insurance System as provided for in sections 7-452 to 7-
88 459, inclusive, and one per cent of that portion of pay from which
89 contributions are to be deducted. [Contributions are to be deducted by
90 the employing court of probate and forwarded] The Probate Court
91 Administrator shall deduct the employee's contributions from the
92 employee's pay and shall forward such contribution to the Retirement
93 Commission to be credited to the retirement fund on the employee's
94 account. [, in four payments, payable on or before the last day of
95 March, June, September and December of the applicable year. Any
96 retirement contributions not paid within thirty days of such date shall
97 incur simple interest at the rate of twenty per cent per annum.]

98 (b) (1) Any employee who leaves the employment of the court
99 before becoming eligible for retirement may, on request to the
100 Retirement Commission, withdraw the total of all contributions made
101 by [him] the employee, without interest, provided, if [he] the employee
102 makes no such request within ten years after leaving, [his] the
103 employee's contributions shall revert to the fund.

104 (2) Notwithstanding the provisions of subdivision (1) of this
105 subsection, if such employee's departure from probate service or
106 withdrawal of contributions is on or after October 1, 1986, the
107 withdrawal of contributions shall include interest credited from the
108 later of (A) January 1, 1986, or (B) the first day of the calendar year
109 following the date of actual contribution, to the first day of the
110 calendar year coincident with or preceding the date the employee
111 leaves probate service. Such interest shall be credited at the rate of five
112 per cent per year. In addition, for the partial calendar year during

113 which the employee leaves probate service or withdraws
114 contributions, provided such date is after January 1, 1986, interest shall
115 be credited at the rate of five-twelfths of one per cent multiplied by the
116 full number of months completed during such calendar year, such
117 interest rate to be applied to the value of contributions, including any
118 prior interest credits, as of the first day of such calendar year.

119 (3) Any employee who withdraws [his] the employee's
120 contributions from the fund and is subsequently reinstated shall not
121 receive credited service for such prior employment in the computation
122 of any benefit with respect to [him] the employee under the retirement
123 plan unless the withdrawn contributions have been repaid with
124 interest at a rate to be determined by the commission. Any employee
125 who was ineligible for retirement benefits at the time of [his] the
126 employee's employment and who has not made contributions under
127 this section, who becomes eligible, or whose spouse becomes eligible,
128 for any benefit under the retirement plan, shall receive credited service
129 for any employment, provided such employee makes such
130 contributions with interest at a rate to be determined by the
131 commission.

132 Sec. 5. Section 45a-45 of the general statutes is repealed and the
133 following is substituted in lieu thereof (*Effective January 1, 2011*):

134 (a) Each judge of probate shall contribute to the fund three and
135 three-quarters per cent of that portion of the judge's annual
136 compensation with respect to which contributions are not made to the
137 Federal Old Age and Survivors System as provided for in sections 7-
138 452 to 7-459, inclusive, and one per cent of that portion from which
139 such contributions are made. [Contributions are to be forwarded by
140 the judge of probate] The Probate Court Administrator shall deduct
141 the judge's contributions from the judge's compensation and shall
142 forward such contribution to the Retirement Commission to be
143 credited to the retirement fund on the judge's account.

144 [(b) Retirement contributions to the fund shall be made in four

145 installments payable on or before the last day of March, June,
146 September and December of the applicable year, and each payment
147 shall approximate as closely as possible one-fourth of the estimated
148 annual contribution based upon the estimated annual net income of
149 the office, provided, if the amount to be forwarded is less than one
150 hundred dollars, remittances shall be made in one payment on or
151 before December thirty-first of the applicable year.

152 (c) When the actual net income for a particular year becomes
153 known, and in no event later than March first of the following year, the
154 probate judge shall add to his next payment the amount of any
155 deficiency, or subtract from his next payment the amount of any excess
156 contributions for said year. If a judge has no net income in any
157 particular year, the Probate Court Administrator shall report
158 accordingly to the Retirement Commission. Any retirement
159 contributions not paid within thirty days of the time prescribed in
160 subsection (b) or this subsection shall incur simple interest at the rate
161 of twenty per cent per annum.]

162 [(d)] (b) (1) Any judge [leaving] who leaves office before becoming
163 eligible for a retirement allowance may, on request to the Retirement
164 Commission, withdraw the total of all contributions made by [him] the
165 judge, without interest, provided, if [he] the judge makes no such
166 request within ten years after leaving office, [his] the judge's
167 contributions shall revert to the fund.

168 (2) Notwithstanding the provisions of subdivision (1) of this
169 subsection, if such judge's departure from office or withdrawal of
170 contributions is on or after October 1, 1986, the withdrawal of
171 contributions shall include interest credited from the later of (A)
172 January 1, 1986, or (B) the first day of the calendar year following the
173 date of actual contribution, to the first day of the calendar year
174 coincident with or preceding the date the judge leaves office. Such
175 interest shall be credited at the rate of five per cent per year. In
176 addition, for the partial calendar year during which the judge leaves

177 office or withdraws contributions, provided such date is after January
178 1, 1986, interest shall be credited at the rate of five-twelfths of one per
179 cent multiplied by the full number of months completed during such
180 calendar year, such interest rate to be applied to the value of
181 contributions, including any prior interest credits, as of the first day of
182 such calendar year.

183 (3) Any judge who withdraws [his] the judge's contributions from
184 the fund and is subsequently reinstated shall not receive credited
185 service for such prior time in office in the computation of any benefit
186 under the retirement plan unless the withdrawn contributions have
187 been repaid with interest at a rate to be determined by the commission.
188 Any judge who was ineligible for retirement benefits at the time he or
189 she became a judge and who has not made contributions under this
190 section, who becomes eligible, or whose spouse becomes eligible, for
191 any benefit under the retirement plan, shall receive credited service for
192 any time in office, provided such judge makes such contributions with
193 interest at a rate to be determined by the commission.

194 Sec. 6. Section 45a-74 of the general statutes is repealed and the
195 following is substituted in lieu thereof (*Effective from passage*):

196 (a) There shall be a Probate Court Administrator who shall be
197 appointed from among the judges of the several courts of probate by
198 the Chief Justice of the Supreme Court to serve at his pleasure. If the
199 Probate Court Administrator is unable by reason of sickness, absence
200 or other disability to perform the duties of his office, or if there is a
201 vacancy in the office of Probate Court Administrator, the Chief Justice
202 shall designate another judge of a court of probate to act in his stead
203 until he resumes his duties or until a new Probate Court Administrator
204 is appointed.

205 (b) The Probate Court Administrator shall devote full time to the
206 duties of his office except that he may serve as a judge of probate but
207 shall not engage in the private practice of law. Any Probate Court
208 Administrator who continues to serve as a judge of probate shall not

209 receive compensation as a judge of probate or benefits that would
210 ordinarily inure to him as a judge of probate while he is serving as
211 Probate Court Administrator. Any Probate Court Administrator who
212 ceases to serve as a judge of probate may continue to serve as Probate
213 Court Administrator at the pleasure of the Chief Justice.

214 Sec. 7. Section 45a-92 of the 2010 supplement to the general statutes
215 is repealed and the following is substituted in lieu thereof (*Effective*
216 *from passage*):

217 (a) Each person who is a judge of probate at any time during any
218 calendar year shall file with the Probate Court Administrator on or
219 before April first of the succeeding year a statement signed under
220 penalty of false statement showing the actual gross receipts and
221 itemized costs of his or her office and the net income for each such
222 calendar year. If such person ceases to hold office, he or she shall also
223 file with the Probate Court Administrator, on or before April first of
224 the second and third years next following, a statement signed under
225 penalty of false statement showing his or her net income from his or
226 her former office for the first and second calendar years next following
227 the calendar year in which he or she ceased to hold office. At the time
228 of filing, each such person shall pay to the State Treasurer as
229 hereinafter provided the sum required by this section, less sums
230 previously paid to the State Treasurer on account. Payment shall be
231 credited by the State Treasurer to the fund established by section
232 45a-82. The requirement to file a statement under this subsection shall
233 not apply to any calendar year beginning on or after January 1, 2011.

234 (b) The personal representative of each person who holds the office
235 of judge of probate, at any time during any calendar year, and dies
236 while in office, or within twenty-four months after ceasing to hold
237 office, shall file with the Probate Court Administrator, on or before
238 March first next following such death, a statement signed under
239 penalty of false statement showing the actual gross receipts and
240 itemized costs of the decedent's office for the preceding calendar year

241 and the decedent's net income from that office for such calendar year.
 242 The personal representative shall file with the Probate Court
 243 Administrator on or before March first of the second year following
 244 said death a statement signed under penalty of false statement
 245 showing the net income to the decedent's estate from such office for
 246 the preceding calendar year. The requirement to file a statement under
 247 this subsection shall not apply to any calendar year beginning on or
 248 after January 1, 2011.

249 (c) Each judge of probate or personal representative, except a judge
 250 of probate who is the Probate Court Administrator, shall at the time of
 251 filing such returns pay to the State Treasurer to be credited to the fund
 252 established by section 45a-82, a percentage of the annual net income
 253 from such office based on the following table in which the percentage
 254 appearing in the left column shall first be multiplied by the minimum
 255 annual compensation of a high volume court as provided in subsection
 256 (k) of this section, as in effect on the first day of July of the calendar
 257 year for which an assessment is due pursuant to this section, the
 258 product of which shall then be multiplied by the applicable percentage
 259 appearing in the right column:

T1	First 20% of the compensation assessment rate	
T2	of a high volume court	\$1 nominal
T3	Next 6.67%	5%
T4	Next 6.66%	10%
T5	Next 6.67%	15%
T6	Next 6.67%	25%
T7	Next 6.66%	35%
T8	Next 13.34%	50%
T9	Next 33.33%	75%
T10	Next 33.67%	80%
T11	Next 66.67%	85%
T12	Next 133.33%	95%

260 Excess over 333.67%, up to maximum amount computed at 97.5% by
 261 the Probate Court Administrator

262 All over the maximum amount computed at 100% by the Probate
263 Court Administrator.

264 As used in this subsection, "maximum amount" means the amount of
265 annual net income from such office which, when applying the
266 percentage payments set forth above, shall result in the judge of
267 probate retaining as net compensation, after the payment of the above
268 amounts, no more than the product resulting from the multiplication
269 of seventy-two dollars by the annual weighted-workload of the court,
270 as defined in regulations issued by the Probate Court Administrator
271 pursuant to subdivision (1) of subsection (b) of section 45a-77, but not
272 to exceed the compensation of a high volume court as set forth in
273 subsection (k) of this section, provided this limitation shall not apply to
274 those courts described in subsection (k) of this section. Such payment
275 shall be deemed to be a necessary expense of such office, but shall not
276 be deductible from the gross income for the purpose of determining
277 net income of such office under this section. Notwithstanding the
278 provisions of this subsection, the annual minimum compensation of a
279 judge of probate shall be no less than the product resulting from the
280 multiplication of fifteen dollars by the annual weighted-workload of
281 the court, as defined in regulations issued by the Probate Court
282 Administrator pursuant to subdivision (1) of subsection (b) of section
283 45a-77, or no less than the judge's average compensation for the three-
284 year period from January 1, 1996, to December 31, 1998, but, in no
285 event shall that minimum compensation exceed that provided
286 pursuant to subsection (k) of this section.

287 (d) (1) Any judge of probate who is the Probate Court Administrator
288 shall pay to the State Treasurer, to be credited to said fund, one
289 hundred per cent of the annual net income from his office during the
290 period of time he serves as Probate Court Administrator. (2) For the
291 purposes of this assessment, fees received after but earned before his
292 appointment as Probate Court Administrator shall be subject to the
293 assessment set forth in the table in subsection (c) of this section. Fees
294 received after such judge of probate ceases to be the Probate Court

295 Administrator but earned during his term as Probate Court
296 Administrator shall be paid in full to the State Treasurer after the
297 deduction of the expenses of his office. (3) The books and records of
298 any judge of probate acting as Probate Court Administrator shall be
299 audited by the Auditors of Public Accounts at the beginning of his
300 term as Probate Court Administrator and thereafter at least annually
301 during his term as Probate Court Administrator and upon completion
302 of his term as Probate Court Administrator or as judge of probate
303 whichever occurs first. (4) A judge of probate who is Probate Court
304 Administrator shall make no expenditure in his court for salaries,
305 equipment, or any other expenditure exceeding the sum of one
306 hundred dollars in the aggregate, annually, without first having
307 obtained the approval of the Chief Court Administrator.

308 (e) (1) On or before January thirty-first of each year, each person
309 required to make payment under this section shall estimate such
310 annual net income and shall advise the Probate Court Administrator
311 thereof, upon such forms and pursuant to such regulations as said
312 administrator shall promulgate. (2) Each person who takes office as a
313 judge of probate after February first of any calendar year, as the result
314 of death, retirement, resignation or removal of the immediately
315 previous incumbent of that office, shall file his estimate of annual net
316 income with the Probate Court Administrator and shall make the
317 necessary payment to the State Treasurer in accordance therewith not
318 later than sixty days after taking office. The requirement to estimate
319 such annual net income and advise the Probate Court Administrator
320 thereof under subdivision (1) of this subsection, and the requirement
321 to file an estimate with the Probate Court Administrator under
322 subdivision (2) of this subsection, shall not apply to any calendar year
323 beginning on or after January 1, 2011.

324 (f) If, based upon such estimate, the amount payable shall be less
325 than one hundred dollars, the payment thereof shall be made in one
326 payment on or before December thirty-first of the applicable year.
327 Otherwise, the amount payable shall be made in four substantially

328 equal installments payable on or before the last day of March, June,
329 September and December of the applicable year, except that in the case
330 of an estimate filed pursuant to subdivision (2) of subsection (e) of this
331 section, the amount payable under such estimate shall be made in
332 substantially equal installments on such installment payment dates
333 next following the timely filing of such estimate in such year. The
334 estimated payment may be amended and changed at any time during
335 the year in which it is payable by increasing or decreasing the amount.
336 The amount of such increase or decrease shall be paid for or adjusted
337 in the installment or payment due at the time the estimated assessment
338 is next payable after such amendment. The Probate Court
339 Administrator may issue regulations pursuant to subdivision (1) of
340 subsection (b) of section 45a-77 to [carry out the intent of] implement
341 this subsection.

342 (g) Upon the completion of each calendar year, and in any event on
343 or before the first day of April of the succeeding calendar year, each
344 person required to make payment under this section shall make a
345 report signed under penalty of false statement to the Probate Court
346 Administrator, upon forms prescribed by and subject to regulations
347 promulgated by the administrator, of the following: (1) The gross
348 income received by virtue of such office; (2) actual expenses incurred
349 in connection with the office; (3) the net income of such office prior to
350 the payment of the assessment installments hereinbefore provided; (4)
351 the amount paid during the preceding calendar year to the State
352 Treasurer on account of the foregoing estimate; and (5) the amount of
353 the difference, if any, between the amount so paid and the amount
354 actually due. [This] Such report shall be open to public inspection. The
355 requirement to make a report under this subsection shall not apply to
356 any calendar year beginning on or after January 1, 2011.

357 (h) If the amount already paid was less than the amount due, such
358 person shall, on or before March first of the succeeding calendar year,
359 pay to the State Treasurer the entire deficiency. If the amount already
360 paid was more than the amount due, such person shall either, at [his]

361 such person's election and pursuant to regulations promulgated by the
362 State Treasurer, be entitled to a refund of such excess payment to be
363 paid from the fund provided by section 45a-82, or a credit in the
364 amount of the overpayment to be charged against the future
365 obligations of such person to said fund.

366 (i) (1) If any estimated quarterly payments required to be paid
367 pursuant to subsection (f) of this section are less than one-fourth of
368 seventy per cent of the total assessment due for that year or less than
369 one-fourth of ninety-five per cent of the assessment paid for the prior
370 year, such person shall be obligated to pay to such fund a penalty of
371 ten per cent of the amount of the deficiency, except that the Probate
372 Court Administrator may waive such penalty for cause in accordance
373 with regulations issued pursuant to subdivision (1) of subsection (b) of
374 section 45a-77. Any such penalty shall become payable upon demand
375 by the Probate Court Administrator, and be due within thirty days
376 after such demand, in accordance with regulations issued by the
377 Probate Court Administrator, and shall be subject to interest under
378 subdivision (2) of this subsection in the event of default in such
379 payment. (2) Any payments required under subsection (f) or (h) of this
380 section which are not paid at the applicable times prescribed in said
381 subsections, and any penalty payment required under subdivision (1)
382 of this subsection which is not timely paid, shall incur simple interest
383 at the rate applicable under section 12-376 for delinquent payment of
384 succession and transfer taxes where no extension has been granted, to
385 be payable to the State Treasurer and to be added to the [fund] Probate
386 Court Administration Fund established under section 45a-82. Any
387 alleged delinquency of a judge of probate in making payments as
388 required under this section shall be referred by the State Treasurer to
389 the Attorney General for such action as the Attorney General deems
390 necessary.

391 (j) (1) As used in this subsection and subsections (c) to (i), inclusive,
392 of this section, for any calendar year, the term "actual expenses
393 incurred in connection therewith" may include as an allowable

394 deduction the amount of any net operating loss for a prior calendar
395 year as provided in this section. (2) The term "net operating loss"
396 means the excess of itemized costs and expenses of office allowed by
397 this section over the gross income. A net operating loss may be
398 deducted in the calendar year following the year in which the net
399 operating loss occurred, but (A) if the net income of such subsequent
400 year is not sufficient to pay all of such net operating loss, then the
401 balance of such net operating loss may be deducted in the second
402 calendar year following such net operating loss; and (B) if the net
403 income of such second calendar year is not sufficient to pay all of the
404 remaining net operating loss, then the balance of such net operating
405 loss may be deducted in the third calendar year following such net
406 operating loss. In no event shall any such net operating loss or part
407 thereof be deductible for any report beyond the third calendar year in
408 which it occurred.

409 (k) Notwithstanding the provisions of subsection (c) of this section
410 concerning percentage payments, a judge of probate who is the judge
411 in a court of probate designated as a high volume court shall be
412 permitted to retain as net compensation, before the payment of any
413 amounts due under sections 45a-34 to 45a-54, inclusive, and section
414 45a-75, the sum which shall be the greater of (1) the net compensation
415 resulting from the application of the percentages in subsection (c) of
416 this section or (2) the compensation earned after payment of actual
417 expenses of the office not to exceed seventy-five per cent of the amount
418 of the salary of a Superior Court judge as determined in accordance
419 with subsection (a) of section 51-47 as determined on July first of the
420 calendar year for which the assessments are being paid pursuant to
421 this section. If a judge of probate of a high volume court leaves office
422 during a calendar year, or if a judge of probate of a high volume court
423 assumes office and serves during a portion of the calendar year, the
424 minimum net compensation provided in this section shall be prorated
425 in accordance with the number of days served during the calendar
426 year as the numerator, and three hundred and sixty-five as the
427 denominator. [, provided if the business of the court in a calendar year

428 does not produce sufficient income with which to pay the minimum
 429 net compensation, then payment for that year shall not be extended to
 430 subsequent calendar years.] For the purposes of this subsection, "high
 431 volume court" [shall mean] means a court of probate which serves a
 432 district having an estimated population of seventy thousand or more
 433 persons as reported in the State Register and Manual for the calendar
 434 year immediately preceding (A) the year for which the judge was
 435 elected, (B) the year in which such judge was elected, or (C) any year of
 436 the term of office of such judge. The amount of assessment payable to
 437 the State Treasurer under this section shall be reduced by the amount
 438 necessary to provide to the judge the minimum compensation to which
 439 such judge is entitled under this section, and the estimates of annual
 440 net income required in subsections (e) and (f) of this section may be
 441 reduced accordingly. Minimum compensation as provided [herein] in
 442 this section shall only be payable if all ordinary and necessary
 443 expenses of the court are paid.

444 (l) This section applies only to income received by the courts of
 445 probate prior to January 5, 2011, except that payments made under
 446 section 45a-93, as amended by this act, to a judge who leaves office or
 447 dies while in office shall be subject to the assessment under subsection
 448 (c) of this section regardless of when such payments are made.

449 (m) Notwithstanding the provisions of this section, the
 450 compensation of each probate judge in office during the period from
 451 January 1, 2011 to January 4, 2011, inclusive, shall be calculated by
 452 multiplying the judge's allowable compensation for calendar year
 453 2010, as determined under the provisions of this section, by a fraction
 454 with the number of days served during such period as the numerator,
 455 and three hundred and sixty-five as the denominator.

456 Sec. 8. Section 45a-93 of the 2010 supplement to the general statutes
 457 is repealed and the following is substituted in lieu thereof (*Effective*
 458 *from passage*):

459 (a) (1) If a judge of probate leaves office or dies while in office, the

460 successor to such judge in said office shall pay to such judge or the
461 personal representative of a deceased judge a sum representing the
462 accounts receivable for payments due the court in accordance with
463 section [45a-105] 45a-107, as of the date of separation from said office
464 or the date of death in the case of a judge who dies while holding such
465 office. Determination of the basis for such accounts receivable
466 including computation for work in process shall be made in
467 accordance with regulations issued by the Probate Court
468 Administrator. Any payments made to such judge or the personal
469 representative of a deceased judge shall be subject to the provisions of
470 section 45a-92, as amended by this act, and no such payments shall be
471 made unless and until the accounts receivable are collected, [by the
472 successor judge] and no such payments shall be made [except within
473 the time for filing a statement signed under penalty of false statement
474 showing the actual gross receipts of the itemized costs of the office in
475 accordance with section 45a-92. There] after December thirty-first of
476 the second calendar year following the year in which the judge leaves
477 office or dies while in office. Prior to January 5, 2011, there may be
478 deducted from any such amounts by a successor judge the cost of
479 collection thereof, and any expenses directly attributable to the
480 outgoing judge's or deceased judge's term of office paid by the
481 successor judge.

482 (2) On and after January 5, 2011, such payments shall include only a
483 sum representing accounts receivable for costs, charges and fees
484 assessed on the estates of decedents arising in a town within the
485 judge's district as such district existed on January 4, 2011. Such
486 payments shall be made in annual installments, payable on or before
487 April first of the year immediately following the year in which such
488 accounts receivable are collected. There shall be deducted from any
489 such payment (A) any assessment, penalty or interest due pursuant to
490 section 45a-92, as amended by this act, and applicable regulations and
491 (B) the cost of collection of such accounts receivable, and any expenses
492 directly attributable to the outgoing judge's or deceased judge's term of
493 office.

494 (3) In no event shall any such payments exceed the maximums
 495 allowable under the provisions of section 45a-92, as amended by this
 496 act, in any one calendar year, and in the aggregate in no event shall the
 497 total payments payable under this section exceed one hundred per cent
 498 of the average final compensation for such judge as defined in
 499 subdivision (1) of section 45a-34, except that such allowable maximum
 500 payment shall not include any amounts of money due and payable to
 501 the judge at the time of separation from the court or at the time of such
 502 judge's death for amounts advanced by such judge to the court for
 503 operating expenses and not previously repaid, which amounts may be
 504 paid to such judge or personal representative upon receipt of
 505 satisfactory proof of the existence of balances due.

506 (b) (1) Except as provided in subdivision (2) of this subsection, the
 507 provisions of subsection (a) of this section shall apply to any judge in
 508 office on or before January 4, 2011.

509 (2) The provisions of subsection (a) of this section shall not apply to
 510 a judge who is [first] elected to a term that begins on or after January 5,
 511 2011, [or who resumes office after a break in service on or after
 512 January 5, 2011.]

513 (c) On and after January 5, 2011, any payments due a judge under
 514 subsection (a) of this section and any expenses directly attributable to
 515 the outgoing judge's or deceased judge's term of office under
 516 subsection (a) of this section shall be paid from the Probate Court
 517 Administration Fund.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 5, 2011</i>	45a-8a(g)
Sec. 2	<i>January 5, 2011</i>	45a-20
Sec. 3	<i>January 5, 2011</i>	45a-79b
Sec. 4	<i>January 1, 2011</i>	45a-44
Sec. 5	<i>January 1, 2011</i>	45a-45
Sec. 6	<i>from passage</i>	45a-74

Sec. 7	<i>from passage</i>	45a-92
Sec. 8	<i>from passage</i>	45a-93

Statement of Purpose:

To make changes to the probate statutes related to the redistricting of probate courts, probate court reforms and the office of the Probate Court Administrator.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]